

Thursday, May 14, 2015

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

Hearings are advertised for 9:00 a.m. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

ROLL CALL:

PRESENT: Jim Irving; Kenneth Topping; Eric Meyer; James Harrison; and Don Campbell

ABSENT: None

PUBLIC COMMENT PERIOD

- Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.

Eric Greening and Bill Pelfrey: speak.

PLANNING STAFF UPDATES

- This is the time set for Planning Staff updates.

Trevor Keith, Deputy Director: updates Commissioners on their near term schedule.

CONSENT AGENDA:

- April 9, 2015 draft Planning Commission minutes

Thereafter on **Motion by:** Jim Irving, **Second by:** Don Campbell, and on the following vote:

| | AYES: | NOES: | ABSTAIN: | RECUSE: |
|----------------------|--------------|--------------|-----------------|----------------|
| COMISSIONERS: | | | | |
| Harrison, James | x | | | |
| Irving, Jim | x | | | |
| Campbell, Don | x | | | |
| Meyer, Eric | x | | | |
| Topping, Ken | x | | | |

The Commission approves Consent Item 4.

HEARINGS: (Advertised for 9:00 a.m.)

5. Hearing to consider a request by the COUNTY OF SAN LUIS OBISPO for amendments to the Agricultural Element and the Conservation and Open Space Element of the General Plan; and amendments to Title 8 (Health and Sanitation Code), Title 19 (Building and Construction Ordinance), and Title 22 (Land Use Ordinance) of the County Code in order to implement the Water Neutral New Development and the Water Waste Prevention components of the proposed Countywide Water Conservation Program. The proposed Countywide Water Conservation Program and associated amendments would affect water use in both new and existing development, including all urban and rural land uses within the unincorporated areas of the county as well as agricultural operations. The requested amendments would specifically modify: 1) the Agricultural Element of the County General Plan, Agricultural Goal – AG1 (Support County Agricultural Production), Agricultural Policies – AGP10 (Water Conservation) and AGP11 (Agricultural Water Supplies); 2) the Conservation and Open Space Element of the County General Plan, Water Resource Policy – WR 1.7 (Agricultural operations), Water Resource Implementation Strategy - WR 1.7.1 (Protect agricultural water supplies), and Water Resource Policy - WR 1.14 (Avoid net increase in water use); 3) Title 8 (Health and Sanitation Ordinance) of the County Code for the addition of a new Chapter 8.69 – Urban and Rural Development Water Conservation Requirements; 4) Title 19 (Building and Construction Ordinance) of the County Code, Chapter 7 – Plumbing Code, Section 19.07.42 – Water Conservation Provisions; and 5) Title 22 (Land Use Ordinance) of the County Code, Chapter 22.06 – Allowable Land Uses and Permit Requirements by Land Use Category, Section 22.06.030 - Table 2-2, Section 22.06.040 – Exemptions from Land Use Permit Requirements, Chapter 22.30 – Standards for Specific Land Uses for the addition of a new Section 22.30.204 – New or Expanded Crop Production Overlying the Paso Robles Groundwater Basin, Section 22.30.310 – Nursery Specialties, Chapter 22.62 – Permit Approval or Disapproval, Section 22.62.030 – Zoning Clearance, and Chapter 22.80 – Definitions/Glossary, Section 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases. This project affects all of the unincorporated portions of the County. Also for consideration is the Draft Supplemental Environmental Impact Report (DSEIR) that was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. (“CEQA”)) for this project. The DSEIR was prepared as a Supplemental EIR to the previously certified Environmental Impact Report for the Conservation and Open Space Element (COSE) of the County General Plan, which analyzed the potential impacts associated with the adoption and subsequent implementation of the COSE Consolidation and Update. The DSEIR addresses potential impacts on: Agricultural Resources and Land Use. Mitigation measures are proposed to address these impacts and have been incorporated into the proposed Countywide Water Conservation Program. Prior to completion of the Planning Commission hearings, a Final Supplemental Environmental Impact Report (FSEIR) will be completed (pursuant to CEQA) for this project and will be provided to the Planning Commission for consideration and potential certification recommendation to the Board of Supervisors.

County File Number: LRP2013-00012

APN(s): ALL

Supervisory District: ALL

Date Accepted: N/A

Project Manager: Xzandrea Fowler

Recommendation: Review and provide comments

Trevor Keith, staff: explains the "Order of the Day" and how the meeting will be formatted.

Xzandrea Fowler, Project Manager: presents staff report.

Michael Hanebutt, staff: explains the key themes of stakeholder engagement processes held.

Cheryl Cochran, staff: explains what was covered in the Long Term Water Management efforts.

Courtney Howard, Public Works: explains the current ground water management setting and how this will integrate with the State Groundwater Management Act (SGMA).

Eric Meyer: asks about the 70 foot elevation change in regards to wells and the modeling with Ms. Howard referring to the "Change in Elevation" map and providing reasoning and explanation.

Xzandrea Fowler, Project Manager: explains color graphics from Public Works presentation in terms of the program.

Jim Irving: feels this data should be included in the EIR and would like to see copies of all of Ms. Howard's slides. Explains he would like to know where her information was conceived.

Courtney Howard, Public Works: explains DWR and boundary revision changes.

Jim Irving: asks why the which flow into the west have not been considered with Ms Howard explaining stating she can also provide those slides for reference. Would like the have reports for ag water ground pumping vs municipal pumping for reference because this considers the entire basin.

Eric Meyer: speaks to exhibits and suggests the ones in which he would like to see.

Commissioners: discuss maps in annual terms and would like up to date maps provided.

Ken Topping: would like to see net outflow reduction figures with and without growth with Ms. Howard displaying the change in layer groundwater elevations model.

Xzandrea Fowler, Project Manager: explains how offset balance is achieved.

Jim Irving: referring to the change in layer 4 ground water model -asks if there is data that shows the cities wells with Ms. Howard responding there are maps to show this.

Don Campbell: hypothetically asks what if a person has acreage with rising water tables and trades it for a house in the cone of depression in Paso Robles, how do the offsets work in this scenario with Ms. Fowler responding.

Jim Irving: asks for clarification on the Commission's discretion in changing what has been brought forward from the Board of Supervisors (BOS).

Whitney McDonald, County Counsel: states the Commission is free to change what the BOS has brought forward and provides reasoning.

Jim Irving: speaking to environmental review in terms of public comment being closed tomorrow – asks who authorizes the extension of that comment period to add things into the program that may or may not be covered in the EIR.

Xandrea Fowler, Project Manager: clarifies how further comments are received until tomorrow, and how staff will incorporate the Commissioners comments into the amendments to Title 8 and 19, which are referenced into the EIR. Provides an indepth overview of the county wide water conservation program. Starts with program implementation explanation beginning with the urban rural water offsets and examples of new development offsets, via a power point presentation.

Cheryl Cochran, staff: overviews the plumbing retrofits as water off sets.

Commissioners: begin asking questions about retro fits and Ms. Cochran's presentation.

Jim Irving: presents a scenario to indicate an off set in terms of the future and new development and what happens to the funds collected with Ms. Cochran providing further explanation.

Don Campbell: provides scenario in terms of any studies being done between urban and rural settings with Ms. Cochran discussing ground water recharge.

Jim Harrison: asks if the Nipomo Mesa retro fit program was analyzed -especially in terms of the in lieu fee program for toilets. Asks if that program made the situation better with Ms. Cochran responding, and Ms. Fowler stating a representative of the Nipomo CSD will be with us this afternoon to explain more.

Eric Meyer: reads section of the 2008 letter from the Coastal Commission regarding the North Coast Area Plan in terms of how all the retrofit programs fit together and this being addressed in the EIR.

Michael Hanebutt, staff: begins presentation on the Agricultural (Ag) Water Offset program implementation.

Jim Irving: asks if there are examples of how the Ag Offset program has worked in the last 20 months with Mr. Hanebutt responding. Would like these disclosed in future meetings. Asks if there will be any flexibility built into numbers based on farmers growing practices with Mr. Hanebutt responding. Feels static fixed charts are inappropriate in some areas and has concerns for small farmers producing food crops in terms of a limited program.

Don Campbell: speaking in terms of inspections and standards -would like to see this tightened up because of cheating, especially in terms of planting credits.

Ken Topping: opens Public Comment.

Bob Brown, Laurie Gage, Sue Luft (Paso Basin Advisory Committee), Cindy Steinbeck, Jamie Kirk, Daniel Sinton, Joe Patterson, and Bill Pelfrey: speak.

Xandrea Fowler, Project Manager: provides website address and for the record where one

will be able to view live streaming meetings of the Planning Commission. Continues on with her presentation regarding project implementation via a Power Point presentation.

Jim Harrison: would like further clarification on turf removal and how this is replaced by other materials with Ms. Fowler responding.

Ken Topping: opens Public Comment

Clair Wineman and Joy Fitzhugh (Farm Bureau): speak.

Commissioners: question Ms. Fitzhugh about seed crop plantings in terms of the amount of time these planting occur and in regards to an off set requirement.

Patricia Wilmore (Paso Robles Wine Country Alliance): speaks.

Jim Irving: Asks if the Alliance has a position with Ms. Wilmore stating this should be as broad as possible.

Eric Meyer: would like clarification on Ms. Wilmore's comment in regards to the number of years before planting because this was a vague description with Ms. Wilmore suggesting this vagueness can be solved by the applicant disclosing a date by which this is to be done at the time they come in.

Michael LeBraun, NCSD, and Gary Reichart: speak.

Xzandrea Fowler, Project Manager: asks Commissioners how they would like to proceed.

Jim Irving: would like to talk about the EIR, would like the comment period extended on the SEIR.

Whitney McDonald, County Counsel: explains extending the comment period is under the purview of the Environmental Coordinator and the Planning Directors.

Commissioners: discuss extension of the comment period to the SEIR and would like to further discuss this with Ellen Carroll.

Whitney McDonald, County Counsel: explains comments will be heard and if changes are necessary to the EIR they will be brought fwd.

Ken Topping: contemplates what in the SEIR effects the program outcomes. Asks what should be adjusted in the program that would be prohibited by closing comments on the SEIR.

Xzandrea Fowler, Project Manager: addresses the question on what the effects are with extending the comment period on the SEIR.

Commissioners: agree extension of the comments on the EIR would affect the August deadline and agree to delve into the SEIR.

Xzandrea Fowler, Project Manager: begins overview of the environmental review via a Power Point presentation.

Jim Irving: speaking about the draft SEIR Alternatives -asks if they have to comment on changes to Alt. 4 and provides reasoning.

Whitney McDonald, County Counsel: states it may depend and provides reasoning.

Jim Irving: asks if mentioned in project description (and provides a scenario) does this open it up with Ms. McDonald stating it should and it depends on how much the Commissioners would like to modify it. Has concerns with being rushed through this ordinance and provides reasoning for extension of the comment period.

Commissioners: would like to discuss the hobby farms in regards to the EIR and feeling subjects like this are not covered in this EIR.

Don Campbell: would like the term "farm to table farms" used instead of hobby farms.

Lynda Auchinachie, Ag. Dept: defines "Unique Farmland" in terms of classification for farming and mapping programs and land use patterns for agricultural activity.

Jim Irving: referring to Section 4.1-9 & 10 refers to loss of irrigation of prime farmland for a period of four years, -would like clarification on how someone's designation can be taken away because it was not economical to farm. Discusses a 5 year period of land to be used unless it cannot be used for an off set.

Lynda Auchinachie, Ag. Dept.: explains the system for farmland mapping and monitoring and criteria for how areas are designated. Feels the system can be streamlined. Jim Irving and Lynda discuss the effects of this loss of designation.

Jim Irving: confirms this is merely a tracking tool.

Commissioners: begin deliberations of the SEIR. Discuss potential biological impacts in terms of the EIR not having covered this.

Matt Janssen, staff: explains staff's understanding and concern for the Commissioners concern for being rushed through this document. Encourages the Commissioners to continue to deliberate and let staff interject when Commissioners are outside the scope of the EIR.

Xzandrea Fowler, Project Manager: asks for direction from the Commissioners on what they would like to discuss at this point with the Commissioners agreeing they would like the EIR discussed.

KEN TOPPING IS NOW ABSENT.

Ellen Carroll, Environmental Coordinator: is available for questions.

Jim Irving: discusses extension of the comment period for the SEIR with Ms. Carroll in terms of the EIR not covering certain items.

Ellen Carroll, staff: explains what type criteria would make an extension.

Jim Harrison: begins with SEIR Pg. Pg. 1-5 in terms of ag. off sets applied to the Paso Robles Ground Water Basin and would like clarification on the expanded off set program with Mr. Hanebutt responding.

Eric Meyer: referring to Pg. 2-8 feels the first paragraph is not appropriate, with other Commissioners suggesting language edits. Commissioners: continue with Pg. 2-8 discussion regarding ag. offset program.

Jim Irving: Pg. 2-8 language edit regarding "normal cultural practices" especially in terms of density. The term "hobby" should be replaced, or paragraph D replaced and somewhere else in the program have this exemption for direct farmed marketing or "Farm to Table". Suggests striking all references to "zoning". Suggests language. Feels the off set program only benefits the large parcels and the wealthy and provides reasoning.

Commissioners: discuss Pg. 2-10 & 11 tables in terms of being constrained when later there are discussions on program and policy.

Commissioners: review Pg. 2-11 in terms of deed covenants, and would like deed restrictions clarified.

Whitney McDonald, County Counsel: envisions a form that the applicant would fill out at the time of application and provides reasoning.

Jim Harrison: provides a scenario in regards to the sun set clause and definition of such.

Commissioners: contemplate future programs and plans adoption in terms of water resources and sunset triggers because there is no definition of what "adoption" means. Also concerns about when the "sunset" would occur.

Cheryl Cochran, staff: explains existing ag uses will not be require off sets.

Commissioners: begin review of Pg. 2-10 with what defines potable water and provide scenarios. Discuss day of week and time of day restrictions on watering. Discuss enforcement of the program. Agree on leaving it 3 times a week and adding certain times of day.

Jim Harrison: discusses what would happen when plumbing retrofits run out with Ms. Cochran responding.

Jim Irving: referring to Pg. 3-2 & 3 references to garden farms and Santa Margarita need to be removed.

Xzandrea Fowler, Project Manager: explains several ways to show exclusion areas of this program and provides reasoning.

Don Campbell: referring to Pg. 3-2.1 suggests language should be deleted and provides reasoning in regards to defined boundaries.

Jim Irving: would like to know if there is a third map to be submitted regarding changes in boundary lines and future amendments with Ms. Fowler responding.

Eric Meyer: referring to Pg. 3-3 and would like the calculations corrected.

Jim Irving: asks if anything in this program applies to Los Osos with Ms. Cochran responding and Commissioners referring to figure 4-2.

Commissioners: contemplate why Cambria and the North Coast areas are not on the map.

Xzandrea Fowler, Project Manager: states it is because those areas are not certified at Level of Severity III.

Jim Harrison: would like the most current numbers for statistics used in the document.

Commissioners continue on to Pg. 4-1-13 Mitigation Measures and why they are not required.

Jim Irving: asks about Section 4.4 due to a reference indicating such, however there is no Section 4.4 with Mr. Hanebutt explaining this is a typo which will be corrected.

Jim Harrison: referring to Pg. 4-21 asks if it is still allowed increased ag use within areas inside Level of Severity II with Ms. Fowler stating yes and providing reasoning. Referring to Pg. 4-25 and language which discusses the coastal areas not being included on the map, in terms of this program not including all the areas of Level of Severity III.

Cheryl Cochran, staff: states this was a correction and now this is referred to the Nipomo Mesa Conservation Area and provides further explanation.

Jim Irving; would like to see a comparison on the boundaries of Level of Severity III in the south county with Mr. Harrison defining further.

Commissioners: continue on to Pg. 5-11.

Don Campbell: asks why proximity and interference analysis of wells has been eliminated with Mr. Hanebutt responding.

Commissioners: discuss how they want a proximity analysis as part of the program with Ms. Fowler explaining this is part of Alternative 3.

Eric Meyer: contemplates why the desalination plant was taken out with Ms. Fowler explaining why this was not included in the program.

Whitney McDonald, County Counsel: provides focus on the program analysis.

Jim Irving: feels this document should have considered supply of resources and provides reasoning.

Trevor Keith, staff: addresses Mr. Irving's supply concern regarding inadequacies in the document as they relate to this program.

Commissioners: would like to continue with "Alternatives" on Pg. 5-1 at the next meeting
Thereafter on **Motion by:** Jim Irving, **Seconded by:** Don Campbell, and on the following vote

| COMISSIONERS: | AYES: | NOES: | ABSTAIN: | RECUSE: |
|-----------------|-------|-------|----------|---------|
| Harrison, James | x | | | |
| Irving, Jim | x | | | |
| Campbell, Don | x | | | |
| Meyer, Eric | x | | | |
| Topping, Ken | x | | | |

The Commission continues this item to Friday, May 29, 2015.

Thereafter on **Motion by:** Jim Irving, **Second by:** James Harrison, and on the following vote:

| COMISSIONERS: | AYES: | NOES: | ABSTAIN: | RECUSE: |
|-----------------|-------|-------|----------|---------|
| Harrison, James | x | | | |
| Irving, Jim | x | | | |
| Campbell, Don | x | | | |
| Meyer, Eric | x | | | |
| Topping, Ken | x | | | |

The Commission accepts all correspondence entered into the record.

Thereafter on **Motion by:** Don Campbell, **Second by:** James Harrison, and on the following vote:

| COMISSIONERS: | AYES: | NOES: | ABSTAIN: | RECUSE: |
|-----------------|-------|-------|----------|---------|
| Harrison, James | x | | | |
| Irving, Jim | x | | | |
| Campbell, Don | x | | | |
| Meyer, Eric | x | | | |
| Topping, Ken | x | | | |

The Commission adjourns to the next scheduled meeting on May 29, 2015.

ADJOURNMENT: 4:58

Respectfully submitted,
 Ramona Hedges, Secretary
 San Luis Obispo County Planning Commission

Minutes approved at the xx/xx/xx Planning Commission meeting.